

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ST. LAWRENCE

SUMMONS

-----X
HOWARD KING,

Plaintiff(s),

-against-

KOINONIA CHURCH, now known as NEW
HOPE COMMUNITY CHURCH,

Defendant(s).
-----X

Plaintiff(s) designate
ST. LAWRENCE County as
the place of trial.

The basis of the venue is
Plaintiff's residence

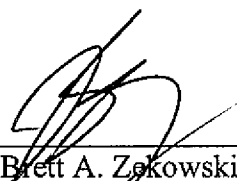
Plaintiff(s) reside at
6887 State. Hwy. 56
Potsdam, NY 13676

Index No.:
Date Summons &
Complaint Filed:

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney(s) within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Port Washington, NY
September 3, 2019


Brett A. Zakowski
Parker Waichman LLP
Office & Post Office Address:
6 Harbor Park Drive
Port Washington, NY 11050
(516) 466-6500
Our File # 9006245

TO: Koininea Church now known as
New Hope Community Church
33 Grant Street
Potsdam, NY 13676

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ST. LAWRENCE

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HOWARD KING,

Plaintiff(s),

-against-

KOINONIA CHURCH, now known as NEW
HOPE COMMUNITY CHURCH,

Defendant(s).
-----X

VERIFIED COMPLAINT

Index No.:

Jury Trial Demanded

Plaintiff, Howard King, by his attorneys, Parker Waichman LLP, complaining of the defendants, respectfully alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

1. At the time of the commencement of this action plaintiff, Howard King, was a resident of the County of St. Lawrence, State of New York.
2. At the time of the incident(s) giving rise to this complaint, plaintiff was a resident of the County of St. Lawrence, State of New York.
3. This action is timely pursuant to CPLR 214-g.
4. At all times herein mentioned, defendant, Koinonia Church, now known as New Hope Community Church, was a religious corporation organized pursuant to the Religious Corporations Law, with its principal office at 33 Grant Street, Potsdam, County of St. Lawrence, State of New York.
5. At all times herein mentioned, defendant, Koinonia Church, now known as New Hope Community Church, was a non-denominal Christian Church located at 33 Grant Street, Potsdam, County of St. Lawrence, State of New York.
6. At all times herein mentioned, defendant, Koinona Church, now known as New

Hope Community Church, managed, supervised and controlled those who were employed or otherwise worked for defendant, Koinonia Church, now known as New Hope Community Church, including, but not limited to priests, nuns, youth counselors and other personnel and volunteers, both while they were on premises and engaged in off-premises activities related to their employment with defendant, Koinonia Church, now known as New Hope Community Church.

7. At all times herein mentioned, defendant, Koinona Church, now known as New Hope Community Church, managed, supervised and controlled those who were employed or otherwise worked for defendant, Koinona Church, now known as New Hope Community Church, including, but not limited to priests, nuns, youth counselors and other personnel and volunteers, both while they were on premises and engaged in off-premises activities related to their employment with defendant, Koinona Church, now known as New Hope Community Church.

8. From on or about January 1, 2000 through on or about December 31, 2000, plaintiff, an infant, attended defendant, Koinona Church, now known as New Hope Community Church.

9. From on or about January 1, 2000 through on or about December 31, 2000 plaintiff was a parishioner of defendant, Koinona Church, now known as New Hope Community Church.

10. At all times herein mentioned and relevant to the allegations set forth herein David Lamb, was assigned as a youth counselor by defendant, Koinona Church, now known as New Hope Community Church.

11. At all times herein mentioned and relevant to the allegations set forth herein David Lamb, was a youth counselor, at defendant, Koinona Church, now known as New Hope Community Church.

12. At all times herein mentioned, David Lamb, was employed by defendant, Koinona Church, now known as New Hope Community Church.

13. Through his position with, defendant, Koinona Church, now known as New Hope

Community Church, David Lamb, was put in direct contact with plaintiff, Howard King, then an infant.

14. That on or about January 1, 2000 through December 31, 2000, the David Lamb, sexually abused the plaintiff.

15. At all times herein mentioned, David Lamb, was under the management, supervision, employ, direction and/or control of defendant, Koinona Church, now known as New Hope Community Church.

16. Defendant, Koinona Church, now known as New Hope Community Church, knew and/or reasonably should have known and/or knowingly condoned and/or covered up, the inappropriate and unlawful sexual activities of David Lamb, who sexually abused the plaintiff, Howard King, while plaintiff, Howard King, was an infant.

17. Defendant, defendant, Koinona Church, now known as New Hope Community Church, had the responsibility to manage, supervise, control and/or direct youth counselors, priests, ministers, reverends assigned to defendant, Koinona Church, now known as New Hope Community Church.

18. At all relevant times, defendant, Koinona Church, now known as New Hope Community Church, had a duty not to aid pedophiles such as David Lamb, by assigning, maintaining and/or appointing him to positions in which he would have access to minors.

19. At all relevant times, David Lamb, used his position as a youth counselor, priest minister or reverend to entice, take control of plaintiff, Howard King, and sexually assaulted, sexually abused or had sexual contact with plaintiff, Howard King, while plaintiff was a minor.

20. Defendants, individually, jointly and/or severally, violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to

report.

21. Plaintiff suffered physical and psychological injuries and damages as a result of his childhood sexual abuse by David Lamb.

22. As a direct result of defendants' conduct, plaintiff suffered and will continue to suffer great pain of body and mind, severe and permanent emotional distress and physical manifestations of emotional distress. As a result of his childhood sexual abuse, plaintiff has been prevented from obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling and has incurred and will continue to incur loss of income and/or loss of earning capacity.

23. Because of his childhood sexual abuse, plaintiff Howard King is unable to fully describe all of the details of that abuse and the extent of the harm that he suffered as a result.

**AS AND FOR A FIRST CAUSE OF ACTION
NEGLIGENT HIRING, RETENTION, SUPERVISION AND/OR DIRECTION**

24. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 23 as if fully set forth herein.

25. The sexual abuse of children by adults, including counselors, priests, ministers, reverends and teachers, is foreseeable.

26. Defendant, Koinona Church, now known as New Hope Community Church, at all relevant times represented and held out to the public, defendant, Koinona Church, now known as New Hope Community Church, to be safe places for learning and participating in youth activities.

27. At all relevant times, defendants, defendant, Koinona Church, now known as New Hope Community Church, were each under an express and/or implied duty to protect and care for plaintiff, Howard King.

28. Defendant, defendant, Koinona Church, now known as New Hope Community

Church, negligently hired, retained, directed and supervised David Lamb, because they knew or should have known that David Lamb, posed a threat of sexual abuse of children such as plaintiff.

29. Defendant, Koinona Church, now known as New Hope Community Church, knew or should have known that David Lamb, had a propensity to engage in the conduct which caused plaintiff's injuries prior to or about the time of the occurrence of these injuries.

30. Defendant, Koinona Church, now known as New Hope Community Church, owed a duty of care to all minors, including plaintiff, who were likely to come under the influence or supervision of David Lamb, in his role as youth counselor, employee, agent, servant and/or volunteer to ensure that David Lamb, did not use their assigned positions to injure minors by sexual assault, sexual abuse or sexual contact with minors.

31. David Lamb, sexually assaulted, sexually abused and/or had sexual contact with plaintiff, Howard King, on Defendants' premises, including defendant, Koinona Church, now known as New Hope Community Church.

32. Defendant, Koinona Church, now known as New Hope Community Church, were put on notice of defendant, David Lamb's improper and inappropriate actions toward minors.

33. Defendant, defendant, Koinona Church, now known as New Hope Community Church, were negligent in failing to properly supervise defendant, David Lamb.

34. Defendant, defendant, Koinona Church, now known as New Hope Community Church, was negligent in failing to properly manage defendant, David Lamb.

35. Defendant, defendant, Koinona Church, now known as New Hope Community Church, was negligent in failing to properly control defendant, David Lamb.

36. At all relevant times, defendant, defendant, Koinona Church, now known as New Hope Community Church, was willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of plaintiff.

37. As a direct and proximate result of defendants' above described omissions, plaintiff has suffered and will continue to suffer the injuries described herein.

38. By reason of the foregoing, the defendants are liable to plaintiff jointly, severally and/or in the alternative, for compensatory damages and punitive damages, together with costs and interest in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION
NEGLIGENCE/GROSS NEGLIGENCE**

39. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 38 as if fully set forth herein.

40. Defendant, defendant, Koinona Church, now known as New Hope Community Church, knew or negligently failed to know that David Lamb, posed a threat of sexual abuse to children.

41. The acts of David Lamb, as described above, were undertaken, enabled by, and/or during the course of their respective employment, assignment, appointment and/or agency with defendant, defendant, Koinona Church, now known as New Hope Community Church.

42. Defendant, defendant, Koinona Church, now known as New Hope Community Church:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons in work involving risk of harm to others;
- b. failed to adequately supervise the activities of David Lamb;
- c. failed to adequately supervise and safeguard minors attending defendant, defendant, Koinona Church, now known as New Hope Community Church;
- d. permitted and/or intentionally failed and/or neglected to prevent negligent

or tortious conduct by persons, whether or not their servants, agents or employees, upon premises under their control; and

- e. allowed the acts of omission and/or commission of any or all of the allegations set forth in this Complaint to occur.

43. At all relevant times David Lamb, was under the supervision, employ, direction and/or control of defendant, defendant, Koinona Church, now known as New Hope Community Church.

44. At all relevant times, defendant, Koinona Church, now known as New Hope Community Church, was wanton, willful, malicious, reckless and outrageous in their disregard for the rights and safety of plaintiff, which conduct was equivalent to criminal conduct.

45. As a direct and/or indirect result of said conduct, plaintiff has suffered injuries and damages as described herein.

46. By reason of the foregoing, defendants jointly, severally and/or in the alternative are liable to plaintiff for compensatory damages and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

THIRD CAUSE OF ACTION BREACH OF FIDUCIARY DUTY

47. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 46 as if fully set forth herein.

48. At all relevant times, there existed a fiduciary relationship of trust, confidence, and reliance between plaintiff, on the one hand. and defendant, defendant, Koinona Church, now known as New Hope Community Church, on the other, based upon the entrustment of plaintiff,

while he was a minor child, to the care and supervision of the defendants and each of them, as a parishioner, worshiper, invitee, attendee or guest at defendant, defendant, Koinona Church, now known as New Hope Community Church, and as a student, invitee, attendee or guest at defendant, Koinona Church, now known as New Hope Community Church. The entrustment of the plaintiff to the care and supervision of the defendant, while plaintiff was a minor child, required the defendant to assume a fiduciary role and to act in the best interests of the plaintiff and to protect him while he was a minor and vulnerable child.

49. Pursuant to their fiduciary relationship with plaintiff, defendant was entrusted with the well-being, care and safety of plaintiff.

50. Pursuant to their fiduciary relationship with plaintiff, defendants assumed a duty to act in the best interests of plaintiff.

51. Defendant, Koinona Church, now known as New Hope Community Church, breached their fiduciary duties to plaintiff.

52. At all relevant times, the actions and/or inactions of defendant, Koinona Church, now known as New Hope Community Church, were willful, malicious, wanton, reckless and outrageous in their disregard for the rights and safety of plaintiff.

53. As a direct result of defendant's conduct, plaintiff has suffered injuries and damages described herein.

54. By reason of the foregoing, defendant, jointly, severally and/or in the alternative are liable to plaintiff for compensatory damages and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**FOURTH CAUSE OF ACTION
BREACH OF NON-DELEGABLE DUTY**

55. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 54 as of fully set forth herein.

56. When he was a minor, plaintiff, Howard King, was placed in the care of defendant, Koinona Church, now known as New Hope Community Church, for the purposes of providing plaintiff with a safe environment in which to participate in youth activities and receive an education. There was thus created a non-delegable duty of trust between plaintiff and defendants.

57. Plaintiff, Howard King, was a vulnerable child when placed in the care of defendants, Koinona Church, now known as New Hope Community Church.

58. Defendant, Koinona Church, now known as New Hope Community Church, was in the best position to prevent plaintiff from being abused and/or to have learned of the repeated abuse by David Lamb, and to have stopped it.

59. As evidenced by the fact that plaintiff, Howard King, was sexually abused as a minor child entrusted to the care of the defendant, this defendant breached their non-delegable duty to plaintiff.

60. At all relevant times, David Lamb, was under the supervision, employment, direction and/or control of defendant, Koinona Church, now known as New Hope Community Church.

61. As a result of the sexually abusive conduct of David Lamb, plaintiff, Howard King, suffered the injuries and damages described herein, the full extent of which is unknown at present.

62. By reason of the foregoing, defendants jointly, severally and/or in the alternative are liable to plaintiff for compensatory damages and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

FIFTH CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

63. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 62 above as if set forth at length herein.

64. As described above, defendant, Koinona Church, now known as New Hope Community Church and David Lamb, acted in a negligent and/or grossly negligent manner.

65. The actions of defendant, Koinona Church, now known as New Hope Community Church and David Lamb, endangered plaintiff's safety and caused him to fear for his own safety.

66. As a direct and proximate result of the actions of defendant, Koinona Church, now known as New Hope Community Church, which included, but were not limited to, negligent and/or grossly negligent conduct, plaintiff suffered severe injuries and damages as described herein, including, but not limited to, mental and emotional distress.

67. By reason of the foregoing, defendants, jointly, severally and/or in the alternative are liable to plaintiff for compensatory damages and for punitive damages, together with costs and interest in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**SIXTH CAUSE OF ACTION
BREACH OF DUTY *IN LOCO PARENTIS***

68. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 67 as if set forth at length herein.

69. While he was a minor, plaintiff was entrusted by his parents to the control of the defendant, Koinona Church, now known as New Hope Community Church, for the purposes of providing plaintiff with an education and allowing him to participate in youth activities sponsored by defendants. During the times that plaintiff was at school and during the times that he participated in youth activities, he was under the supervision and control of defendant, Koinona

Church, now known as New Hope Community Church. These defendant, at all relevant times and now, owed and owe a duty to children entrusted their care to act *in loco parentis* and to prevent foreseeable injuries.

70. Defendant, Koinona Church, now known as New Hope Community Church, breached their duty to act *in loco parentis*.

71. At all relevant times the actions of defendant, Koinona Church, now known as New Hope Community Church, were willful, malicious, wanton, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of plaintiff.

72. As a direct result of defendant's conduct, plaintiff, Howard King, has suffered the injuries and damages described herein.

73. By reason of the foregoing, defendants jointly, severally and/or in the alternative, are liable to plaintiff for compensatory damages, and for punitive damages, together with interest and costs in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**SEVENTH CAUSE OF ACTION
BREACH OF STATUTORY DUTY PURSUANT TO NEW YORK
SOCIAL SERVICES LAW §§ 413, 420 TO REPORT ABUSE**

74. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 73 as if fully set forth herein.

75. Pursuant to N.Y. Social Services Law §§413, 420, defendant, Koinona Church, now known as New Hope Community Church, had a statutory duty to report the reasonable suspicion of abuse of children in their care.

76. Defendant, Koinona Church, now known as New Hope Community Church, breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by David Lamb, of children in their care.

77. As a direct and/or indirect result of said conduct, plaintiff has suffered injuries and damages as described above.

78. By reason of the foregoing, defendants jointly, severally and/or in the alternative are liable to plaintiff for compensatory damages and punitive damages, together with costs and interest in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against defendants on each cause of action as follows:

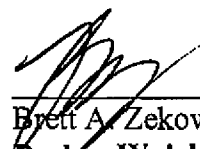
- A. Awarding compensatory damages in an amount to be proven at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: Port Washington, New York
September 3, 2019

Yours, etc.



Brett A. Zekowski
Parker Waichman LLP
Attorneys for Plaintiff(s)
Office & Post Office Address
6 Harbor Park Drive
Port Washington, NY 11050
516-466-6500
Our File # 9006245

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)

: ss :

COUNTY OF NASSAU)

Brett A. Zekowski, an attorney and counselor at law, duly admitted to practice in the Courts of the State of New York, affirms the following to be true under penalties of perjury:

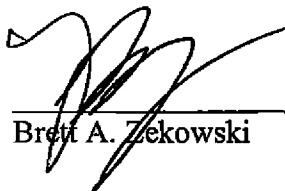
I am an associate of the firm **Parker Waichman LLP** attorneys for the plaintiff(s) herein.

I have read the foregoing Complaint and know the contents thereof. Upon information and belief, I believe the matters alleged therein to be true.

The source of your deponent's information and the grounds of my belief are communications, papers, reports and investigations contained in my file.

The reason this verification is made by deponent and not by plaintiff(s) is that plaintiff(s) reside in a county other than the one in which your deponent's office is maintained.

Dated: Port Washington, NY
September 3, 2019


Brett A. Zekowski

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ST. LAWRENCE

HOWARD KING,

Plaintiff(s),

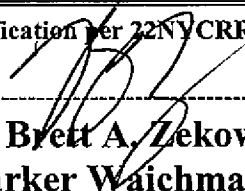
-against-

KOINONIA CHURCH, now known as NEW HOPE COMMUNITY CHURCH,

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

Certification per 22NYCRR §130-1.1a


Brett A. Zekowski
Parker Waichman LLP
Attorneys for Plaintiff(s)
6 Harbor Park Drive
Port Washington, NY 11050
(516) 466-6500

To:
Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated:
Attorney(s) for

PLEASE TAKE NOTICE
NOTICE OF

ENTRY that the within is a (certified) true copy of a entered in the office of the Clerk of the within named
Court on 2019 .

NOTICE that an Order of which the within is a true copy will be presented to the Hon. , one of the
OF
SETTLEMENT judges of the within named Court, at ,
, on
20 , at M.

Dated: Parker Waichman LLP
Attorneys for Plaintiff(s)

TO: